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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-fourth session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 7 August 1992, at 10 a.m.

Chairman: Mr. ALFONSO MARTINEZ

later: Mr. SACHAR

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The meeting was called to order at 10.15 a.m.

PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS (agenda item 17) (continued)

(a) PREVENTION OF DISCRIMINATION AND PROTECTION OF CHILDREN: HUMAN RIGHTS AND YOUTH (E/CN.4/Sub.2/1992/36; E/CN.4/Sub.2/1991/42) (continued)

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF WOMEN (continued)

1. Mr. MAZILU, introducing his final report on human rights and youth (E/CN.4/Sub.2/1992/36), said that the report focused on three main ideas. First, young people occupied a unique position in society; they were active agents of change but were often also the first to suffer from its consequences. A study had therefore been necessary to identify their specific rights and freedoms and the main ways and means of promoting and guaranteeing them. Second, the rights and freedoms of young people had to be analysed in the context of the society in which they lived. For that reason, emphasis had been placed on the particular problems facing young people, either in developed or in developing countries, although their needs were more or less the same throughout the world. Third, violations of the rights of young people were due to many economic and social factors and in particular to the continued existence of inadequate political and economic structures in many countries, especially in Eastern Europe, where millions of young people today found themselves unemployed with little hope of a better life in the near future. Clearly, the rights and freedoms of young people could not be guaranteed in a society based on inequity and injustice.

2. He had endeavoured in his report to provide a comprehensive view of all the problems facing youth worldwide rather than focus on specific aspects already being studied by other bodies or organizations. He hoped that his analysis and, in particular, the Charter of the Rights and Freedoms of Youth and the recommendations contained in his report would help not only policy makers but also youth organizations to identify ways and means of promoting the rights and freedoms of young people in various societies. He wished to emphasize that, in the preparation of his final report, he had taken account of all the suggestions made by some of the experts during the previous two sessions of the Sub-Commission. He warmly thanked all the members who had helped him during his years of detention and, in particular, Mrs. Daes, Mr. Despouy, Mr. Eide, Mr. Bossuyt, Mr. Carey, Mr. Khalifa and Mr. Guissé, as well as the Chairman, for the suggestions they had made concerning his work. He urged his colleagues to pursue their efforts to help millions of people obtain recognition of their rights, and to continue to support the noble cause of human rights.

3. Mr. TIAN Jin said that he had serious reservations concerning the final report on human rights and youth prepared by Mr. Mazilu, which in his view was far from satisfactory and did not meet the requirements laid down by the Sub-Commission in its resolution 1991/20. The situation of youth throughout the world was, of course, a very broad subject and therefore difficult to study in depth, but it would nevertheless have been worthwhile for Mr. Mazilu to have attempted to analyse separately the different problems facing young people in developing and developed countries. In particular, the conclusions

and recommendations made no reference to external factors such as the debt burden and the economic difficulties in some developing countries that gave rise to unemployment and other problems experienced by youth in those countries. It was surprising that the Special Rapporteur said nothing about the ever-widening gap between developed and developing countries. He gave special emphasis, somewhat arbitrarily, to one particular region of the world. Furthermore, the report contained incorrect and potentially misleading information and therefore did not correspond to what was to be expected from such a comprehensive study, which should be exact, objective and impartial.

4. Mr. GUISSE thanked Mr. Mazilu for the work he had carried out, which would certainly be used to good effect. It was regrettable, however, that the Special Rapporteur had not seen fit to refer in his report to some parts of the world where young people were faced with the greatest problems because of endemic poverty. Some countries did not have the means to guarantee young people the right to education, with the result that the school drop-out rate in those countries was very high and many young people found themselves marginalized, without occupational training or work, a situation they could no longer tolerate. Not surprisingly, therefore, they attempted to solve their problems through violence, crime and delinquency. The report contained no suggestions regarding measures to stop youth violence and enable young people to take their rightful place in society. He regretted that the report did not deal with two extremely important problems, the school drop-out rate and youth unemployment, which had to be resolved if young people were to be taught to live in peace and understanding within society.

5. Mrs. ATTAH said that Mr. Mazilu's final report raised a number of questions that were interesting but did not really need to be analysed in detail since they were already being studied by specialized agencies or other organizations of the United Nations system. The report should have focused more on problems such as youth violence and prostitution and on ways and means of remedying them. Most Governments were aware of their responsibilities towards young people but often felt unable to cope with the scale of their demands and the violence that all too often accompanied them. It was therefore important to ascertain why young people acted as they did and what should be done to put an end to such behaviour. The Special Rapporteur could have examined those very urgent problems. He might also have tried to determine how Governments could be helped to guarantee the rights of young people, particularly in indebted countries prone to serious economic difficulties. She was aware that the Special Rapporteur had not received as much information as he would have wished from all the countries to which he had sent questionnaires, but she nevertheless felt that his report left much to be desired, particularly with regard to the conclusions and recommendations and the Charter of the Rights and Freedoms of Youth, which was too broad in scope.

6. Turning to item 17 (b), concerning prevention of discrimination and protection of women, she said it was deplorable that on the threshold of the twenty-first century the phenomenon of discrimination against women had not yet disappeared. More than 10 years had passed since the adoption by the General Assembly of the Convention on the Elimination of All Forms of Discrimination against Women. However, notwithstanding some Governments' efforts to provide wider access to education for girls and to improve

opportunities for women in all spheres, many obstacles to equality between men and women still remained, particularly in the field of employment, not only because of the prevailing world economic crisis but also on account of sexual harassment at work, a phenomenon that ministers of labour in all countries should endeavour to eliminate without delay. Violence against women was another phenomenon that had taken on alarming proportions. Throughout the world, thousands of women of all ages and in particular girls, the most vulnerable group, were frequently attacked, beaten, raped or humiliated in the home, in social welfare centres, places of worship, at the workplace, in schools and colleges, recreation centres, parks and even on beaches. What had they done to deserve such treatment? It was time to act and find solutions to those problems, perhaps by a return to moral and cultural values.

7. It was in politics that discrimination against women was most obvious, and she shared the views expressed by Mrs. Warzazi in that regard. According to United Nations statistics, in August 1991 only 8 of the 159 Member States, namely Bangladesh, Dominica, France, Iceland, Ireland, Nicaragua, Norway and the Philippines, had had a woman head of State or head of Government, and that number had since declined. In 1990, there had been no women ministers in 77 countries and female representation at the ministerial level had been only 4.1 per cent worldwide, most of those portfolios being for education, health, culture, social welfare and women's affairs. How could women bring about change in the status quo when they were not involved in key government decision-making? In Nigeria, only one female senator had been elected during the recent elections and there was no woman in the House of Representatives. There could be change for women only when the paternalistic and chauvinistic attitude of men towards women transformed itself into an attitude of partnership and cooperation between human beings. Women were also being discriminated against in other areas, particularly in the economic sector and even in sports. Referring to the Muslim countries, she noted that no Muslim woman was participating in the Olympic Games currently taking place at Barcelona. If women could be drafted into the army, why were they unable to take part in sports competitions?

8. In conclusion, she wished to underline the need for men to show a greater moral and political will to end the discrimination to which women were subjected. She looked forward to receiving the reports of the Commission on the Status of Women and of the Committee on the Elimination of Discrimination against Women in due course.

9. Mrs. WARZAZI, referring to the participation of Muslim women in the Olympic Games, informed to Mrs. Attah that one Muslim woman from Morocco had won a gold medal at the Olympic Games in Los Angeles.

10. Mr. EIDE, speaking first on the subject of discrimination against women, said that it was essential to correct the retrogressive developments observed in some countries, a task that devolved in particular on the bodies established under the Covenants, since they were entitled to request specific information on the promotion of equality between the sexes and on measures taken to prevent violence against women.

11. Turning to Mr. Mazilu's report (E/CN.4/Sub.2/1992/36), he commended its author's courage, which he was sure had had an impact on the situation in

Mr. Mazilu's own country, and also on that of rapporteurs in general. The study itself, in his view, was by any standards an impossible mission, mainly because the considerable differences between the many categories of young people precluded a single solution valid for all situations. In the United States, for example, the problems of young Blacks and Latin Americans in the large cities bore no relation to those of young Whites living in prosperous suburban areas. The challenges to be faced were therefore manifold. Whatever the nature of the problem, however, the solution inevitably called for respect for civil, political, economic, social and cultural rights. It was the application of the two Covenants on Human Rights that must ensure for all young people, without distinction, enjoyment of the advantages recognized for other citizens and enable them to contribute to the life of the country.

12. However, while young people had to secure respect for their rights, in doing so they should not forget that others must also be able to enjoy their rights. That issue related to discrimination between the sexes but also, and increasingly, to the highly disturbing phenomenon of discrimination between races or ethnic groups. Indeed, there was now a resurgence of the feeling of belonging to an ethnic group, often accompanied by a sense of the need for liberation. That sentiment, which had become an instrument of protest, notably before the Sub-Commission, was sometimes also used to justify violations on the part of people who believed they were being oppressed on account of their membership of an ethnic group. Progress would come only when young people recognized that every person had to be able to enjoy his rights yet, in that regard, there was a regression in many parts of the world, and young people were unfortunately involved in that backward movement. That was one of the points Mr. Mazilu could have developed in his study, even if solutions were by no means readily apparent.

13. Mr. MAXIM said that modern society was unable to deal with the problems facing young people and the United Nations itself was reluctant to become involved in those issues, arguing that some were already being addressed by other international organizations. In his view, Mr. Mazilu's report, whatever its shortcomings, therefore had the great merit of pointing out that young people existed, that they were active and discontented. Young people today had different aspirations from those of the generation which held decision-making power and whose system of references did not coincide with their own. Young people wished to share that power and make themselves heard. They had a wisdom and a potential that older people should direct rather than reject. Studies had shown that the violence of young terrorists of the Red Army or the Red Brigades, for example, had not been caused by poor, hungry and unemployed youth but by prosperous and well-educated young people.

14. With reference to Mr. Eide's comments on ethnic conflicts, he believed that young people did not bear responsibility in that regard, since they were capable of working together without being concerned about differences between them. It was the older generations that fostered resentment and yielded to the temptations of old demons. He agreed with the Special Rapporteur that the problems of youth could not be examined properly outside the context of the society in which they lived, whether in European countries or elsewhere, and

consequently no solution was universally applicable. In conclusion, he congratulated Mr. Mazilu on his report, which should prompt the Sub-Commission to involve itself even more with the cause of youth.

15. Mr. DESPOUY, speaking on discrimination against women, said that he wished to supplement the comments made by Mrs. Warzazi and Mrs. Attah with some facts and figures, especially on the place of women in politics, which showed, inter alia, that 20 years after the commencement of the Decade for Women, the number of women holding political office remained incredibly low. Apart from 3 women prime ministers, there was no woman at the head of any key ministry - defence, foreign affairs, internal affairs, etc. - and the world average for women in national parliaments had remained virtually unchanged at about 11 per cent for 20 years. The situation was no better in political groupings, where many women were activists but so few were party leaders. Admittedly, there were now only two countries, Kuwait and the United Arab Emirates, where women could not vote or stand for election, but those rights had been acquired in other countries only very recently and it had to be said that politics today was still the province of men. That phenomenon had been highlighted by the change of system in the socialist countries, where it had been shown that in times of crisis women disappeared from the front stage of politics. He was convinced that the future lay in partnership between the two sexes because society could not deprive itself of the immense potential of women.

16. Mrs. KSENTINI said that she wished to take up Mr. Despouy's point that in times of crisis women disappeared from the political scene. That was certainly the case but she felt that crisis situations were in fact not so much the cause of the phenomenon as an excuse for relegating women to the background. Indeed, they were not only removed from political life but were also, for example, deprived of knowledge and employment. That was a waste that made the advancement of women all the more difficult. The report of the Commission on the Status of Women gave some idea of the current regression, which could be observed without looking any further than the United Nations system itself, where no progress was being made concerning the representation of women in managerial posts.

17. She wished to draw the Sub-Commission's attention to the World Conference on Women due to be held in China in a few years and expressed the hope that Governments, the international community and all relevant bodies would commit themselves firmly and effectively to promoting the cause of women.

18. Turning to Mr. Mazilu's report, she said that notwithstanding all the dedication of the Special Rapporteur, who had laboured under difficult conditions in a very complex area, the report had serious shortcomings. In particular, not enough attention was given to the root causes of the situation of youth in the developing countries. For example, in paragraph 81, which referred to that situation, it was hard to see the link between the Special Rapporteur's findings and the comment that followed: "We have noted with deep concern that in some countries political leaders have used food and medical care as an instrument of political pressure". That view should have been further developed. Likewise, neither the information in paragraph 82 nor the observation in paragraph 165 had been followed by an in-depth study of the reasons for the situations described or by proposals on how they might be

solved. There was no discussion in the report of the debt problem or of the social impact of structural adjustment policies. Lastly, the suggested programme of action focused on the legislative aspects of problems, exchange of information and measures at the country level but failed to mention some important measures that should be taken at the international level, including the provision of international assistance. As Mrs. Attah had already said, Governments often knew what they had to do but lacked the resources to put their plans into effect.

19. Mr. SACHAR said that he was aware of the difficulties Mr. Mazilu had encountered, given the scope and complexity of the problem under consideration. He, too, sometimes had the impression that young people participated less in public affairs and were not moved by the philosophical ideals of preceding generations, but he was also often struck by the cynicism of their "seniors" and would therefore be in favour of setting an age limit - perhaps 65 years of age - beyond which a person would no longer be eligible for posts of responsibility in public affairs. The participation of youth, which was essential, would thus be facilitated.

20. Regarding street children and juvenile delinquency, he regretted that the Special Rapporteur had merely noted those problems without attempting to analyse the root causes. He believed, for example, that many of the problems would be resolved if young people effectively enjoyed the right to adequate housing and the right to work; in that case they would no longer look for ways of adding spice to their lives in the streets. He also wished to mention the contradictory situation of women in his own country, India, where for much longer than in other countries women had in theory enjoyed all rights on the same footing as men and where for a long time, too, they had been represented at the highest political level, yet their school attendance was considerably lower than that of men and they continued to trudge very long distances to collect drinking water, a chore imposed on them from early childhood.

21. Returning to Mr. Mazilu's report, he felt that not enough was said about the impact of structural adjustment programmes. Whatever subtle explanations were given in that regard, the price to be paid for such programmes was bound to be increased poverty and mass unemployment. In his view, young people, who were better educated and had more initiative than in the past, would not tolerate that state of affairs and would not submit to the dictates of the international organizations.

22. Mr. UL-HAKIM said that, for his part, he wished to commend Mr. Mazilu's remarkable and detailed report and hoped that the recommendations to be made from it would be of the same high quality. Concerning the promotion, protection and restoration of human rights at national, regional and international levels, he shared the views of Mr. Eide. He proposed that the Sub-Commission should recommend to the Commission the implementation of a programme establishing a United Nations human rights corps on the model of the Peace Corps in the United States. With worldwide unemployment hitting young people hardest of all, a first step towards solving the problem of idleness might be to give them a mission to protect human rights.

23. Regarding the question of women, he was pleased to state that in his country - Bangladesh - a Muslim country, both the Prime Minister and the

leader of the opposition were women. That did not mean, however, that the sexes were on an equal footing in all respects, since equality did not exist anywhere, given the natural differences between men and women. He recognized none the less that the issue of women's rights had to be examined carefully to ensure that advantages were not all reserved for one sex.

24. Mr. FERNANDEZ (International Organization for the Development of Freedom of Education) paid a tribute to the report on human rights and youth prepared by Mr. Mazilu, two of whose findings were of particular concern to his organization: a growing apathy in many young people, particularly towards public affairs, and the fact that suicide was the second most important cause of death among young people. Those two phenomena were evidence of a malfunction of society and of the inability of educational systems to meet the requirements of youth at the moral level. He believed that the despair of youth, as shown in the high suicide rate, was a sign of the bankruptcy of social values. He blamed the materialistic society and purely technocratic culture and appealed to the "additional soul" invoked by the French philosopher Henri Bergson.

25. While the shortage of economic resources was certainly part of the explanation for that situation, the real cause was the lack of an ethical sense in educational policies, which meant that self-control and responsible use of freedom, two fundamental qualities according to another philosopher, Karl Jaspers, were also absent. The ethical failings of modern education would appear to be universally recognized. He condemned the educational reforms of previous years, which had virtually neglected the educative aspect as such. However, the recent reforms in Sweden and Portugal, incorporating an ethical component into compulsory education, were to be welcomed.

26. He recognized that efforts to define an educational strategy in the ethical field were confronted, especially in State schools, with the difficulty of guaranteeing at the same time that the plurality of cultures and values was properly respected. In that regard, the organization he represented had carried out a study for UNESCO which concluded that the solution was either to make the many values present in society coexist within a single educational scheme or to opt for a variety of educational schemes reflecting social plurality in a spirit of respect for others. The first approach was the one that had generally been adopted to guard against intolerance, but at the risk of disorienting the pupil; the wisdom of that choice was belied by the reality of a school system transformed into a game preserve for a handful of technocrats and fostering in most young people only indifference and an uncritical outlook, which the prominence of the audio-visual media made even worse. Faced with the invasion of the media, it was essential to give young people the means to safeguard their autonomy of judgement. He therefore proposed a different model and a school system with a clear ethical orientation that encouraged freedom of choice, respect for others and tolerance, based on a plurality of educational schemes guaranteeing respect for specific values and the coherence of education.

27. Mr. FORSTER (International Work Group for Indigenous Affairs) said that his organisation's statement was to have been made by Bishop John Zale of Bougainville. However, Bishop Zale had once again been prohibited from leaving his country and had thus far been unable to attend any international

forum to promote the rights of his people. It would be recalled that, at the Sub-Commission's forty-third session, the Chairman of the Interim Government of Bougainville, Mr. Joseph Kabui, had given a detailed account of the disastrous human rights situation in that country. His account had been reproduced in document E/CN.4/Sub.2/1991/NGO/31, which was available for consultation.

28. Children and women were the world's future. Prior to colonization, the fundamental rights of the people of Bougainville had been an integral part of the community and society of that country. While it was important for regional bodies to play a role in the field of human rights, he believed that the proximity of vested interests could distort the application of the standards which those bodies were meant to monitor, as had been demonstrated at the recent South Pacific Forum meeting in the Solomon Islands. Some countries showed generosity in defending human rights values in theory but lost their ardour when their own strategic interests were at stake.

29. Since the last report submitted to the Sub-Commission, the human rights situation of the people of Bougainville had seriously deteriorated: the Papua New Guinea army had destroyed villages, committed rape and carried out summary executions of young people, and had set up concentration camps - so-called "care centres" - for the displaced population. Although some areas occupied by the Papua New Guinea army now had schools and access to medical supplies, it was at the expense of other basic rights, above all the right to self-determination. In most areas, furthermore, schools and medical facilities remained closed. Some blamed the Bougainville revolutionary army, others the Government of Papua New Guinea, but the real culprit was past colonization. As always, women and children suffered the most.

30. The words and actions of the Government of Papua New Guinea were those of a bygone colonial era. He appealed to the Sub-Commission to take a role, based on its unique independent position in the promotion of human rights, in initiating a process that would lead to a lasting and peaceful resolution of the conflict for all parties concerned, and especially for the women and children of his country. The new Government of Papua New Guinea should be encouraged to recognize the principles enshrined in the Universal Declaration of Human Rights.

31. The suffering of the youth and women of Bougainville could also be attributed to the failure of the international community to assist in bringing to an end a conflict which had its roots in the denial of the fundamental freedoms of a people and which was daily amplified as the armies sought a military solution. There was no negotiation or democracy and the rights of the village peoples, suffering from disease and lack of medical care, were not being respected. The young people who had taken refuge in the jungle were no longer receiving an education and a whole generation was being robbed of its youth. The Sub-Commission obviously had first to verify the facts, but the situation must not be allowed to degenerate into a veritable holocaust before it decided to take action. He therefore urged it to seize the opportunity presented by the change of Government in Papua New Guinea to take steps that would be construed as guidance rather than intervention. The new Prime Minister of Papua New Guinea, when asked to order a cease-fire, had replied that it was "too early". The Sub-Commission's mandate provided it

with ways and means to assist. Many of its studies, for example, had led to fact-finding missions to monitor situations in which human rights and fundamental freedoms were threatened. He therefore implored the Sub-Commission to take action without delay.

32. Mr. Sachar took the Chair.

33. Mr. SANDERS (Human Rights Advocates) said that the rights of homosexuals were receiving more and more attention at the national and regional levels but almost no attention from international bodies. In his view, that was an omission in the work of the Sub-Commission and of other human rights bodies. One of the positive developments that could be cited at the national level was the enactment of legislation prohibiting discrimination on the basis of sexual orientation in Canada, in particular; in Denmark, where a law passed in 1989 allowed registration of homosexual couples; and in Australia, where the 1991 immigration laws recognized homosexual relationships and enabled one partner in a homosexual couple to sponsor the other's immigration application. Another positive development was the higher visibility of homosexual rights organizations, which had existed in Western countries for many years and were now being established increasingly in Eastern Europe, Africa, Asia and Latin America. Similarly, many well-known homosexuals had been elected to public office in the United States, Canada, the United Kingdom and other countries. At the regional - or, more exactly, European - level, the Parliamentary Assembly of the Council of Europe in 1981 had adopted Resolution 756 and Recommendation 924 condemning discrimination against homosexuals; the European Parliament in 1984 had adopted a resolution on sexual discrimination at the workplace; and the European Commission was funding summer courses in lesbian and gay studies, first held in the Netherlands in 1989 and later in the United Kingdom in 1991. Those courses had been organized by five European universities with financial support from the European Parliament, the European Commission and the European Human Rights Foundation. The issue of homosexual rights had been discussed at two parallel conferences, within the framework of the Conference on Security and Cooperation in Europe, first in Oslo in 1991 and then in Helsinki in April 1992.

34. Notwithstanding those positive developments, homosexuals continued to be discriminated against in most parts of the world. The attention of the international community should be drawn in particular to the fact that, in one country, the death penalty applied to anyone found to have committed a homosexual act and that in a number of countries there continued to be extra-judicial killings of lesbians and gays, as evidenced three weeks earlier by the murder in Mexico of five homosexual activists, including Francisco Estrade Valle, co-founder of an AIDS education and prevention organization. In many States, furthermore, penal laws still prohibited homosexuality. Such laws in Ireland, for example, were in conflict with a ruling of the European Court of Human Rights and in most States homosexuals faced discrimination in civil laws dealing with inheritance, social insurance, social security, housing and immigration. In the latter regard, he himself had been separated from his foreign partner, despite the fact that they had formed a well-established couple, by the Canadian immigration authorities.

35. The International Lesbian and Gay Association, which had been formed in 1978 and currently had approximately 500 members in more than 50 States, aimed to ensure that lesbian and gay people could enjoy equal rights with other members of society. The Association had worked with the World Health Organization and had contributed to the Fernand-Laurent study on sexual minorities authorized by the Economic and Social Council. Despite its representative character, it had not been successful in gaining consultative status with the Economic and Social Council. He believed that homosexuals were completely unrepresented in non-governmental organizations holding that status. Although constituting a large minority in all States Members of the United Nations, homosexuals were excluded from the Organization's work in the field of human rights. On behalf of his organization, he therefore proposed that the Sub-Commission should appoint a special rapporteur to undertake a study on discrimination against homosexuals. In addition, he called on the United Nations to include the question of homosexual rights in the agenda of the 1993 World Conference on Human Rights and also to review its own policies to make sure that there was no discrimination in that regard. Lastly, he requested the Sub-Commission to encourage the Economic and Social Council to give favourable consideration to the applications of homosexual organizations for consultative status with that body.

36. Ms. SPALDING (Human Rights Advocates) said she noted with interest that Mr. Mazilu had amended his report, along the lines requested by a non-governmental organization during the Sub-Commission's forty-second session, to include a section on disabled youth. She was grateful to Mr. Mazilu for having done so. However, she was surprised that no steps had been taken, even at the Sub-Commission's current session, to provide sensorially impaired persons with appropriate technical services.

37. Ms. MILAS-MATUTINOVIC (World Movement of Mothers) said that she wished to protest against pornography, which in her view constituted a form of racism. While pornography had always existed, modern technology had turned it into a full-scale industry earning millions of dollars in profits that were often linked to prostitution and drugs. The way in which women were represented - in books, magazines, films, videos and more recently in "pink messages" via Minitel or telephone - robbed them of their dignity. The new Swiss Penal Code in force since September 1992 was, in her opinion, too indulgent towards so-called "soft" pornography. Article 197 of the new law regarding sexuality conflicted with the spirit of the Convention on the Rights of the Child by allowing access to such pornography from the age of 16, whereas the Convention protected the child until the age of 18. She protested against the use being made of the female body and urged that pornography, a violation of the rights and dignity of the human person, should be treated as a form of racism.

38. Ms. de VLAMING (World University Service) welcomed the inclusion of the question of women's rights in the agenda of the Sub-Commission, which she hoped would deal in particular with the issue of the right to education of women and girls, a right that was so often violated around the world. Access to education for women could be regarded as a particularly important indicator of social progress and as crucial to family planning and child health, and to the integration of women into the workforce. It was also instrumental in changing attitudes. The statistics showed a marked improvement but while the

school enrolment rate for girls was increasing, it was still lower than for boys, especially at the secondary level. Whether old or young, moreover, women still formed the majority of illiterates.

39. Considerations such as class and ethnicity added to the problem of inequality. Other factors, too, could inhibit girls' access to education. Women were often considered the bearers of traditional culture and in some communities families were reluctant to keep girls at school, seeing that as a waste of money since they would leave their parents' household once they married. In many cultures there was a fear of the dangers believed to face young women outside their family and home environment. A recent study in Argentina noted the plight of single pregnant women, who were ostracized for having "sinned", had no independent income and were often excluded from mutual aid networks based on kinship, which were confronted with the increasing financial difficulties of the poorer classes as a whole. In those conditions it was not only women but also their children who suffered. While education might empower women by giving them confidence, in practice girls often experienced school as another means of inculcating ideas about appropriate roles. The curricula and images presented in school textbooks, for example, contributed to reinforcing certain stereotypes. The attitudes of teachers also played a large part in that regard, since teachers often exacerbated the biases in teaching materials, favouring the boys in class and discouraging girls from taking certain subjects.

40. Regarding the link between length of schooling and employment prospects for women, the optimistic predictions of the 1960s and 1970s had not been borne out. The overwhelming majority of working women formed a cheap labour force for national and multinational enterprises in agriculture and manufacturing. Many more were employed in the informal sector or as part of the family labour force in rural areas. There was often discrimination in development projects, which also cast women in economically marginal roles even though they made up half of the world's population.

41. Neither education nor legislation alone could alter that situation; changes also had to be made in the structures within which women worked - whether they were paid or unpaid. Reforms in education had not been accompanied by changes in the family or in the structure of occupations. Segregation and discrimination in employment and remuneration persisted. Education could provide knowledge, skills and credentials, but that was not enough to bring equality while unequal structures continued to exist. The realization of women's economic, social and cultural rights had to go hand in hand with respect for their civil and political rights. She urged the Sub-Commission and the Commission to make women's rights an integral part of their work. Violations of the rights of women, whether economic, social and cultural or civil and political rights, deserved those bodies' attention under all relevant agenda items.

42. Ms. ALVEZ PEREIRA (American Association of Jurists) expressed concern at the number of States denouncing International Labour Organisation Convention No. 89 (1988), which prohibited night work for women employed in industry, on the pretext that it encouraged discrimination against women. That Convention applied only to industry because women working in that sector came from backgrounds where economic resources were very often limited and

where women were generally expected to assume full responsibility in the household. Far from being discriminatory, its provisions sought to afford women the protection they needed until such time as equality between the sexes, especially in remuneration, came about. In order to make ends meet, many women in States denouncing the Convention would be obliged to accept night work, at the expense of their own health, that of their children and of family cohesion. The Convention had been rightly criticized for being too rigid. That was why an additional protocol had been adopted in 1990 which combined flexibility with protection by allowing employers' and workers' organizations to derogate from the prohibition of night work by common agreement, provided that a competent and impartial authority designated by each State endorsed that agreement. However, the protocol formally prohibited any derogation from the Convention in certain circumstances, especially during the periods immediately before and after childbirth. She invited all countries to ratify the protocol and agree on ways of ensuring that night work was avoided unless absolutely essential and invited the Sub-Commission to examine that question.

43. Mr. MERRILLS said that Mr. Mazilu's report raised the question of whether young people should be considered as a special category for the purposes of human rights. While most rights, such as the right to life or the right not to be tortured, were identical for all human beings whatever their age, others, in particular those set forth in the Convention on the Rights of the Child, related only to young people. That raised other questions to which the Sub-Commission needed to give some thought: from what point was a person to be considered and treated as a fully autonomous adult; up to what age should a young person be entitled to special protection; and from what age should that person be free to take decisions, for example, on whether to undergo medical treatment his or her parents had previously not allowed? Those questions merited the attention of the Sub-Commission.

44. Mr. MIRANDA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that, in his organization's view, the idea of considering irregular armed groups which opposed Governments as also being active subjects of serious human rights violations raised a sensitive issue meriting in-depth technical and legal consideration. As pointed out by the eminent Argentine jurist Rodolfo Mattarollo, it was virtually always terrorist States that perpetrated the most serious human rights violations (torture, summary executions and enforced disappearances). Moreover, the international human rights system had thus far been based on the premise that for an act to be considered within the framework of international law, the State must have played a part in it, either actively or passively. It would be necessary, according to Mr. Mattarollo, to analyse some of the recent trends that favoured a broadening of the concept of agents of human rights violations by looking closely at their many consequences. That in no way meant that the organization he represented supported terrorism or, indeed, violence in general. It merely wished to draw the Sub-Commission's attention to that delicate problem. Furthermore, his organization unreservedly supported the idea expressed by Mr. Guissé that the concept of "restoration of human rights" should include the necessity of punishing violators of human rights. The victims and their relatives and friends were entitled to the truth and justice as well as to reparation for the harm they had suffered.

45. Ms. SCHREIBER (International Abolitionist Federation), speaking on agenda item 17 (b), concerning prevention of discrimination and protection of women, said that she shared the views expressed earlier by Mrs. Warzazi regarding alleged male superiority and the contribution of women to the development of society. She firmly denounced the biased view of women as above all objects of pleasure for men, as well as the violence and rapacity of which many women were victims because of prostitution.

46. It was vital to establish mechanisms to implement the measures recommended in that regard by the Working Group on Contemporary Forms of Slavery as well as the provisions of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. Sexual exploitation of women and children, which could even involve mutilation or death, was intolerable. How could anyone allow entire villages in Thailand, the Philippines and other Asian countries to be turned into centres of prostitution for the military and businessmen? The States concerned should implement the measures proposed by the Commission on Human Rights in the programme of action for the prevention of traffic in persons. But did they have the will to do so? It was also essential to prepare an additional protocol to the 1949 Convention that would penalize new forms of prostitution and to set up a committee to monitor implementation of the Convention and the protocol by States.

47. Ms. MILAS-MATUTINOVIC (World Movement of Mothers) said that she wished to draw the Sub-Commission's attention to the situation in the Republic of Croatia, where the right to life of children and young people had been seriously violated by the Serbs. A great number of children and adolescents had been victims of atrocities in Croatia and in Bosnia and Herzegovina. Between September 1991 and January 1992, dozens of civilians, including many children, had been killed in the town of Petrinja and in the villages of Josevica and Siroka Kula. Children were often victims of deliberate attacks by the Serbian artillery and air force against civilian targets. The previous autumn, hundreds of children had been killed or injured during the Serbian shelling of Vukovar. Others had been killed in Osijek, in the Grabovac camp and at Bizovac during similar attacks. The Serbs had deliberately attacked medical facilities, including the centre for retarded children at Vrlika. The children in that centre had remained for several months without water, electricity or adequate medical supplies. After difficult negotiations, they had finally been transported to Split, but two of them had died of dehydration on the way.

48. Children and adolescents were frequently taken prisoner and kept in Serbian concentration camps. After the fall of Vukovar, for example, the Serbian army had moved all males aged 12 to 70 to concentration camps in Serbia or in the Serbian-occupied part of Croatia. According to 1 witness, 15 of the 42 persons held in the Ernestinova camp were women and children. Since the cease-fire of 3 January 1992, attacks against civilian targets from areas under UNPROFOR control had resulted in more casualties. Could anyone remain silent and not be an accomplice to such crimes? With the violence escalating, there was a risk that the whole non-Serbian population would be exterminated unless the democratic world took action.

49. Mr. AL-KADHI (Observer for Iraq) said that his country had taken note with great interest of Mr. Mazilu's excellent report, which indicated that a country could not develop if its youth were unable to exercise their economic, social and cultural rights. Mr. Mazilu also said that the world community and all international organizations had a duty to guarantee an adequate standard of living for young people. Iraq, however, saw the development of its youth hampered by the embargo imposed upon it. In a country that had seen the birth of the world's first university, young people could not fully enjoy their right to education. Some Powers were refusing, for example, to unfreeze Iraqi assets abroad that could serve to finance the studies of young Iraqis in other countries. Representatives of major Powers had even gone so far as to protest against the importation of pencils by Iraq, claiming that they contained lead which could be used in the manufacture of weapons. The effect was to strangle the people of Iraq and in particular its youth, depriving them of the means to progress in the scientific field.

50. The embargo was unjustified since Iraq had complied with all the directives and resolutions of the Security Council. How, if it was maintained, could the country provide for the future of its youth and remedy the sufferings of the people, in particular women and children? The human rights bodies, and the Sub-Commission in particular, could not remain indifferent to those sufferings and should examine the situation with complete impartiality because their credibility was at stake.

51. Mr. MAZILU thanked once again all those who had helped him to accomplish his task. He fully appreciated the views expressed by the various speakers during the consideration of his report and had no doubt that the Sub-Commission would take those opinions into account when it examined the question of youth. He was ready to do everything within his power in his own country to contribute to resolving the problems and meeting the legitimate aspirations of young people. While other international bodies were studying certain aspects of the problems of youth, he believed that the Sub-Commission was the only body able to examine them in a comprehensive manner. He wished to express his profound gratitude to the Governments which had contributed to the preparation of his study. He also thanked the non-governmental organizations which had made a very important contribution, as well as the Centre for Human Rights and in particular Mr. Martenson, Mr. Cissé, Mr. McCarthy, Mr. Vezel and all their colleagues. In conclusion, he would never forget the words addressed to the world by Mr. Despouy on behalf of the Sub-Commission during his period of detention: "Better death than dishonour".

The meeting rose at 1.15 p.m.